

MATTHEW C. SOLOMON (appearing *pro hac vice*)
msolomon@cgsh.com
RAHUL MUKHI (SBN 350718)
rmukhi@cgsh.com
CLEARY GOTTLIEB STEEN & HAMILTON LLP
2112 Pennsylvania Avenue NW
Washington, DC 20037
Telephone: (202) 974-1680

BRIAN KLEIN (SBN 258486)
bklein@waymakerlaw.com
ASHLEY MARTABANO (SBN 236357)
amartabano@waymakerlaw.com
WAYMAKER LLP
515 S. Flower Street, Suite 3500
Los Angeles, CA 90071
Telephone: (424) 652-7814

*Attorneys for Defendants Payward, Inc.
and Payward Ventures, Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

PAYWARD, INC.; PAYWARD VENTURES, INC.,

Defendants.

Case No. 3:23-cv-06003-WHO

Judge: Hon. William H. Orrick
Hearing Date: January 8, 2025
Time: 2:00 pm (via videoconference)

**DEFENDANTS' STATEMENT OF
RECENT DECISION**

1 In connection with their Opposition to Plaintiff's Motion for Judgment on the Pleadings
 2 on Kraken's Eighth, Ninth, and Tenth Affirmative Defenses (ECF No. 110) and pursuant to Local
 3 Rule 7-3(d)(2), Defendants Payward, Inc. and Payward Ventures, Inc. ("Kraken") respectfully
 4 submit this Statement of Recent Decision and attach as Exhibit A hereto a decision issued today in
 5 *SEC v. Coinbase, Inc.*, No. 23-cv-4738, ECF No. 175 (S.D.N.Y. Jan. 7, 2025). In the decision, Judge
 6 Failla granted Coinbase's motion to certify an interlocutory appeal under 28 U.S.C. § 1292(b), and
 7 stayed the district court proceedings pending resolution of the appeal. Kraken may raise this decision
 8 at tomorrow's oral argument on the SEC's Motion for Judgment on the Pleadings on Kraken's
 9 Eighth, Ninth, and Tenth Affirmative Defenses (ECF No. 103).

10
 11 DATED: January 7, 2025

12 /s/ Matthew C. Solomon

13 MATTHEW C. SOLOMON (appearing *pro*
hac vice)

14 msolomon@cgsh.com

15 RAHUL MUKHI (SBN 350718)

16 rmukhi@cgsh.com

17 CLEARY GOTTlieb STEEN &
 HAMILTON LLP

2112 Pennsylvania Avenue

Washington, DC 20037

Telephone: (202) 974-1680

18 BRIAN KLEIN (SBN 258486)

19 bklein@waymakerlaw.com

ASHLEY MARTABANO (SBN 236357)

20 amartabano@waymakerlaw.com

WAYMAKER LLP

515 S. Flower Street, Suite 3500

Los Angeles, CA 90071

Telephone: (424) 652-7814

23 *Attorneys for Defendants Payward Inc. and*
Payward Ventures, Inc.